

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

STATE OF ILLINOIS,
ILLINOIS DEPARTMENT OF TRANSPORTATION,
Petitioner,

v.

NORFOLK SOUTHERN RAILWAY COMPANY,
Respondent,

T10-0114

Petition for an Order granting authority to construct
two grade separation structures carrying Relocated
Interstate Route 70 (FAP Route 998) over and
across the Norfolk Southern Railway Company's
A&E Mainline track at railroad station 612+ 16.92,
Mile Post AE 4.55 and Packers Spur track at railroad
station 706+33.00 near the Village of Fairmont City
in St. Clair County, Illinois.

**MOTION FOR LEAVE TO FILE PROPOSED AGREED ORDER AND FULLY
EXECUTED GRADE SEPARATION CONSTRUCTION
AND MAINTENANCE AGREEMENT**

Petitioner, Illinois Department of Transportation ("IDOT") moves for entry of an order authorizing the construction of two (2) grade separation structures carrying the eastbound and westbound traffic lanes, respectively, of relocated Interstate Route 70 (FAP Route 998), an access road and other highway facilities over and across property owned by Respondent, Norfolk Southern Railway Company ("Company") at approximately railroad station 612+16.92, Mile Post AE 4.55 and railroad station 706+33.00 (the "Project Area"), near the Village of Fairmont City in St. Clair County, Illinois.

In support of this Motion, IDOT states as follows:

1. On July 21, 2010, IDOT filed a petition ("Petition") in this matter requesting approval for construction of two grade separation structures necessary for the construction of a new Mississippi River Bridge to accommodate the relocated Interstate Route 70 in accordance with the "Grade Separation Construction and Maintenance Agreement" by and between the Department and the Company ("Agreement") which was attached to the Petition as Exhibit 1.
2. Paragraph 6 of the Petition states that the parties acknowledged that the version of the Agreement attached to the Petition was not executed by the Department. The Company conditioned its consent to the order requested by the Petition upon the Commission's receipt of the fully executed Agreement. The Department executed the Agreement on July 28, 2010.

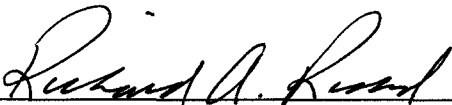
3. IDOT now seeks leave to file the fully executed Agreement ("Fully Executed Agreement") and request entry of a proposed agreed order authorizing the construction of two (2) grade separation structures carrying the eastbound and westbound traffic lanes, respectively, of relocated Interstate Route 70 (FAP Route 998), an access road and other highway facilities over and across property owned by the Company at approximately railroad station 612+16.92, Mile Post AE 4.55 (A&E Main) and railroad station 706+33.00 (Packers Spur), near the Village of Fairmont City in St. Clair County, Illinois. ("Proposed Agreed Order"). The Proposed Agreed Order is attached hereto as Exhibit A. The Fully Executed Agreement is attached to the Proposed Agreed Order as Exhibit 1.

WHEREFORE, IDOT requests entry of the Proposed Agreed Order.

Respectfully submitted,

ILLINOIS DEPARTMENT OF TRANSPORTATION

By: Lisa Madigan
Attorney General

By: 
Richard A. Redmond
Special Assistant Attorney General

Dated: August 10, 2010

Richard A. Redmond
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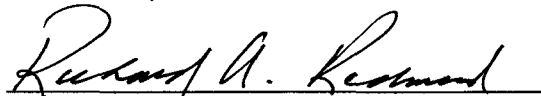
T10-0114

Petition for an Order granting authority to construct
two grade separation structures carrying Relocated
Interstate Route 70 (FAP Route 998) over and
across the Norfolk Southern Railway Company's
A&E Mainline track at railroad station 612+ 16.92,
Mile Post AE 4.55 and Packers Spur track at railroad
station 706+33.00 near the Village of Fairmont City
in St. Clair County, Illinois.

NOTICE OF FILING

To: David Lazarides
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

Please take notice that I have this 10th day of August, 2010 filed the attached Motion in the above entitled matter with the Illinois Commerce Commission. A copy of the aforementioned Motion has been sent to all the parties of record via first class mail.



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ILLINOIS DEPARTMENT OF TRANSPORTATION,
Petitioner,

v.

NORFOLK SOUTHERN RAILWAY COMPANY,

Respondent,

Petition for an Order granting authority to construct
two grade separation structures carrying
Relocated Interstate Route 70 (FAP Route 999) over
and across the Norfolk Southern Railway
Company Yard Tracks and Main Tracks at Railroad
Mile Post D-484.28 near the Village of Brooklyn in
St. Clair County, Illinois

T10-0114

CERTIFICATE OF SERVICE

I, Richard A. Redmond, an attorney, certify that I have served a true and correct copy of the foregoing Petition upon the parties to this proceeding on this 10th day of August, 2010 at their respective addresses set forth below:

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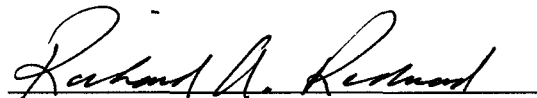
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